



Control #
0500479

**Federal Communications Commission
Washington, D.C. 20554**

March 24, 2005

DOCKET FILE COPY ORIGINAL

David R. Seidman
10601 Patternbond Terrace
Wheaton, MD 20902

Dear Mr. Seidman:

Thank you for your letter to Senator Barbara A. Mikulski, regarding recent proposals made by the Federal Communications Commission (Commission) on the use of wireless telephones in airborne aircraft. Senator Mikulski has forwarded your correspondence to the Commission for consideration. In your letter, you oppose potential changes to regulations that currently prohibit the use of cellular telephones on airplanes. You state that airborne telephone conversations would be "very annoying," and you suggest that the needs of passengers that do not support cellular telephones on flights should be considered before changing any of the restrictions. In particular, you recommend that airborne cellular conversations be subject to time restrictions and limited to designated areas.

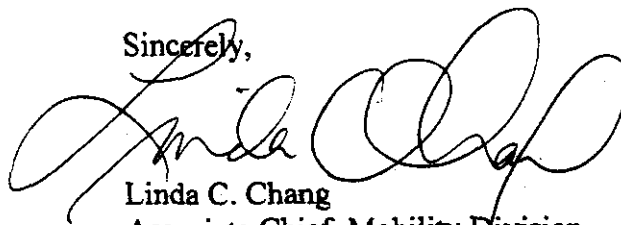
On February 15, 2005, the Commission released a *Notice of Proposed Rulemaking* (*Notice*) in WT Docket No. 04-435 that proposes to relax the Commission's current ban on the use of 800 MHz cellular telephones in airborne aircraft, including airplanes.¹ In 1991, the Commission adopted the current ban on the airborne use of cellular telephones out of concern that such use would interfere with cellular communications on the ground. Since then, advances in technology appear to address the initial concerns of interference to cellular systems on the ground that warranted adoption of the ban. Thus, the Commission believes that it may now be possible for the traveling public to use their cellular telephones while airborne without increasing the risk of such interference.

Accordingly, in the *Notice*, the Commission proposes to relax the ban on the airborne use of cellular telephones so long as the phones are controlled by a "pico cell." This pico cell, installed onboard private or commercial aircraft, directs the handsets to operate at or near their lowest applicable power settings. The *Notice* also seeks comment on the practicality of an industry-initiated solution that would enable use of airborne cellular units without the FCC having to mandate technical rules. Finally, the *Notice* seeks comment as to whether the Commission should allow licensees to provide 800 MHz cellular service to airborne wireless units on a secondary basis, subject to certain technical limitations that would ensure no interference to terrestrial operations.

¹ The Federal Aviation Administration has separate regulations that prohibit the use of cellular telephones and other transmitting portable electronic devices on aircraft out of concern for air traffic navigation safety.

I appreciate your interest in this matter. Your letter, as well as this response, will be placed in the record of this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda C. Chang', written in a cursive style.

Linda C. Chang
Associate Chief, Mobility Division
Wireless Telecommunications Bureau

cc: The Honorable Barbara A. Milkulski

BARBARA A. MIKULSKI
MARYLAND

United States Senate
WASHINGTON, DC 20510-2003

February 16, 2005

SUITE 503
HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2003

(202) 224-4654
TDD: (202) 224-5223

3 MAR 2005 RCVD

WHP
at the
479

Ms. Diane Atkinson
Federal Communications Commission
Office of Legislative and Intergovernmental Affairs
445 12th Street, S.W., Room 8C453
Washington, D.C. 20554-2101

Dear Ms. Atkinson:

I am writing to request your consideration of the attached correspondence from Mr. David Seidman. Please respond directly to Mr. Seidman and send a copy to John Leitch of my staff. If you have any questions, please call Mr. Leitch at (202) 224-4654.

Thank you for your assistance.

Sincerely,

Barbara A. Mikulski

Barbara A. Mikulski
United States Senator

BAM:jrl
Enclosure

SUITE 400
1629 THAMES STREET
BALTIMORE, MD 21231
(410) 962-4510

SUITE 202
60 WEST STREET
ANNAPOLIS, MD 21401-2448
(410) 263-1805

SUITE 406
6404 IVY LANE
GREENBELT, MD 20770-1407
(301) 345-5517

94 WEST WASHINGTON STREET
HAGERSTOWN, MD 21740-4804
(301) 797-2826

SUITE 1, BUILDING B
1201 PEMBERTON DRIVE
SALISBURY, MD 21801-2403
(410) 546-7711

<http://mikulski.senate.gov/>

Sen. Barbara Mikulski
709 Hart Senate ffile Bldg.
Washington, DC 20510

Dear Senator Mikulski,

I would like to express my great unhappiness that the FAA is considering allowing passengers to use cell phones during flights. This will allow the majority of airline passengers to be subjected to hearing conversations—potentially very long and loud—with no way to escape.

I already find cell phone conversations in subways or restaurants to be very annoying; some people talk the entire subway trip or meal on a cell phone, and they are usually oblivious of their surroundings and the fact that dozens of people around them are hearing their conversation. At least in subways or restaurants I have a means to escape—I can go to another seat or table, or leave the car or restaurant if necessary. On an airplane, if it were a full flight, I would be stuck, for maybe four hours, with no escape.

When the FAA considers allowing passengers to use cell phones on flights, I think it should consider the vast majority of passengers who I believe seek peace and quiet on a flight, and would be very unhappy with the FAA's allowing cell phones in flight, many of whom may in fact own cell phones themselves.

If the FAA chooses not to consider the needs of the majority of us who just want peace and quiet, then I think it should at least require some ameliorating conditions on cell phone use:

- 1) Cell phone conversations should be only for urgent personal or business circumstances, and are to last no longer than five minutes each, and no longer than a total of 15 minutes in a flight; and
- 2) Passengers may only use cell phones if they are in a designated area of the plane. This is analogous to providing smoking areas in airplanes and restaurants in earlier days.

Again, in making its decision, I hope it considers the needs of those of us who are looking for a quiet place to be before the commotion at the end of the trip.

Sincerely yours,



David R Seidman
10601 Patternbond Terrace
Wheaton, DC 20902
david.seidman@dc.gov